

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

AUTO INSPECTION
SERVICES, INC.

Plaintiff,

CASE NO. 06-15100
HON. LAWRENCE P. ZATKOFF

v.

FLINT AUTO AUCTION, INC., PRIORITY
INSPECTION, INC., INVISIO, INC.,
JOHN LUCE, WILLIAM WILLIAMS, JR.,
ANGIE COMPTON, LAWRENCE CUBIT,
KENNETH J. MOFFITT, SCOTT BRALEY,
and JOHN DOES 1-10,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff filed its Complaint on November 14, 2006. Plaintiff's Complaint contains the following seven counts:

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| Count I | Violation of the Digital Millennium Copyright Act; |
| Count II | Copyright Infringement—Distribution of Unauthorized Copies; |
| Count III | Copyright Infringement—Creation of Unauthorized Derivative Works; |
| Count IV | Breach of Contract; |
| Count V | Unjust Enrichment; |
| Count VI | Misappropriation of Trade Secrets/Unfair Competition; and |
| Count VII | Fraud. |

See Complaint.

The Court has subject matter jurisdiction over Counts I, II, and III, because they arise under federal law. *See* 28 U.S.C. § 1331. Counts IV through VII, however, are based upon state law.

Although the Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction over a state law claim if there are “compelling reasons for declining jurisdiction.” *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff’s state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff’s parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see Padilla v. City of Saginaw*, 867 F.Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff’s state law claims (Counts IV, V, VI, and VII) are DISMISSED. The Court retains jurisdiction over Plaintiff’s federal claims (Counts I, II, and III).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: January 5, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 5, 2007.

s/Marie E. Verlinde

Case Manager
(810) 984-3290